

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MARK ANTHONY FLORES,  
Petitioner,  
v.  
JAMES YATES,  
Respondent. } Case No. CV 10-3313 SJO(JC)  
} ORDER ADOPTING FINDINGS,  
CONCLUSIONS, AND  
RECOMMENDATIONS OF UNITED  
STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus by a Person in State Custody (the “Petition”), the Motion to Dismiss the Petition, petitioner’s Opposition to the Motion to Dismiss the Petition, all of the records herein, and the attached Report and Recommendation of United States Magistrate Judge. The Court approves and adopts the United States Magistrate Judge’s Report and Recommendation.

IT IS ORDERED that Judgment be entered granting the Motion to Dismiss the Petition, denying the Petition and dismissing this action without prejudice.

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1 IT IS FURTHER ORDERED that the Clerk serve copies of this Order, the  
2 United States Magistrate Judge's Report and Recommendation, and the Judgment  
3 herein on petitioner and on counsel for respondent.

4 LET JUDGMENT BE ENTERED ACCORDINGLY.

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6 DATED: 1/12/11

*S. James Otero*

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8 HONORABLE S. JAMES OTERO  
9 UNITED STATES DISTRICT JUDGE

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